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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,245	09/18/2003	Masahiko Takenaka	14470.0009US01	6966
7590	09/14/2006		EXAMINER	
Hamre, Schumann, Mueller & Larson, P.C. P.O. Box 2902-0902 Minneapolis, MN 55402			AVERY, BRIDGET D	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/665,245	TAKENAKA ET AL.	
	Examiner	Art Unit	
	Bridget Avery	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's arguments, see page 3, filed July 27, 2006, with respect to the rejection(s) of claim(s) 1 and 3-15 under 35 USC 103 in view of Kawano ('799), Hahm ('214), Shinozaki ('255) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Omori (US Patent 4,561,519) in view of Bennett et al. (US Patent 4,802,684).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omori (US Patent 4,561,519) in view of Bennett et al. (US Patent 4,802,684).

Omori teaches a structure similar to applicant's including:

- A longitudinal V-type engine (12) mounted to a vehicle body frame (10)
- The frame is a diamond type including a head pipe (24), right and left upper frames (26) extended backward and downward from the head pipe

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(24), right and left down frames (30) extended downward from the head pipe (24) and coupled to a front of a crankcase of the engine (12).

- The engine (12) including a front cylinder and a rear cylinder
- The banking angle between the front cylinder and the rear cylinder is equal to or greater than 90 degrees, as shown in Figure 2
- The engine (12) is arranged with the bisector of the banking angle extending through the head pipe of the body frame (10)
- The front cylinder extends in front of a pair of right and left down frames (30)
- The rear cylinder between the right and left upper frames (26)
- A fuel tank (34)
- An air intake system (note the unnumbered radiator positioned in front of the engine and the teaching of positioning an air cleaner in column 1, lines 43-45
- The engine (12) adds strength to the body frame (10)
- A box structure as clearly shown in Figure 2 positioned above and between the engine cylinders provides a cover
- The teaching of an air intake system is inherent because the positioning of air cleaners in the space containing the box structure (between the fuel tank and the engine cylinders) is conventional. Also note the teaching of an air cleaner in column 1, lines 42-45

Omori lacks the teaching of low floors forming step floors for putting a rider's feet on.

Bennett et al. teaches low floors forming step floors/pads (42). Re claim 8, see floor-supporting frames (40) in Figure 4

Based on the teachings of Bennett et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add step floors/pads to a mid section of the vertical portion of down frames (30) in Omori to enable the operator to ride with his or her legs in a relaxed, raised position during extended periods of travel. The modification would cause the engine to be mounted below the low floors/pads. Re claim 12, the tubular frames have an opening there between and are capable of supporting the right and left floors/pads.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1 and 3-15 have been considered but are moot in view of the new ground(s) of rejection.

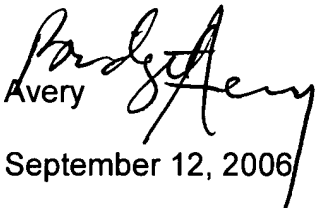
### ***Conclusion***

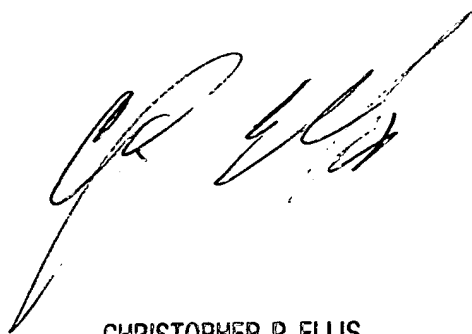
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.

  
Avery  
September 12, 2006



CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600